

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ANTOINE CARTER,

Case No. 07-CV-1429 (PJS/RLE)

Plaintiff,

v.

CITY OF MINNEAPOLIS;
OFFICER JAMES BURNS, Badge #0884,
personally and in his capacity as a
Minneapolis police officer;
OFFICER GEERE, Badge #2237, personally
and in his capacity as a Minneapolis police
officer; OFFICERS JANE DOE and
RICHARD ROE, unknown and unnamed
Minneapolis police officers, personally and in
their capacities as Minneapolis police
officers; CHIEF WILLIAM MCMANUS,

ORDER

Defendants.

Albert T. Goins, Sr., GOINS & WOOD, P.C., for plaintiff.

C. Lynne Fundingsland and Gregory P. Sautter, Assistant City Attorneys,
MINNEAPOLIS CITY ATTORNEY'S OFFICE, for defendants.

Based on all of the files, records, and proceedings herein, and for the reasons stated on
the record of the hearing conducted on February 1, 2008, IT IS HEREBY ORDERED that:

1. Defendants' Motion to Dismiss for Failure to Prosecute [Docket No. 14] is DENIED.
2. The Motion to Withdraw as Counsel and to Defer Ruling on Merits of Dismissal
Motion [Docket No. 22] filed by counsel for plaintiff is DENIED.
3. Plaintiff Antoine Carter is ORDERED to meet his discovery obligations as follows:
 - a. No later than Friday, February 29, 2008, plaintiff shall serve responses to the
interrogatories, requests for production, and requests for releases that were served
on him in May 2007.

b. Plaintiff shall appear for a deposition on Friday, March 14, 2008, at 10:00 a.m., at 300 Metropolitan Centre, 333 South Seventh Street, in the City of Minneapolis, Minnesota.

4. Defendants are ORDERED to serve this Order upon Carter under Fed. R. Civ.

P. 4(e)(2) and to file an affidavit of service by Friday, February 15, 2008.

5. Counsel for plaintiff is ORDERED to make reasonable efforts to contact his client by Friday, February 15, 2008. Merely sending letters and making phone calls will not be deemed “reasonable efforts”; counsel must, if necessary, retain an investigator to locate his client. If counsel for plaintiff is unable to contact his client by Friday, February 15, 2008, he must, on that day, file an affidavit with the Court in which he describes in detail the efforts that he and his agents have made to locate his client.

6. If plaintiff violates this Order in any respect, his complaint will be dismissed with prejudice and on the merits, unless plaintiff can demonstrate that his violation was the result of good cause or excusable neglect, or that this Order was not served on him as the Court has directed.

Dated: February 1, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge